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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

HELEN AND MARTIN YACK

No. C 07-5858 PJH

Plaintiff,

ORDER TO SHOW CAUSE

v.

WASHINGTON MUTUAL INC, et al.,

Defendants.

/

The complaint in this matter was filed on November 19, 2007, and an order setting the initial case management conference and ADR deadlines was issued the same day, scheduling the conference for February 28, 2008. Neither plaintiff appeared at the case management conference, nor did either file a case management statement as ordered. No defendant appeared, as the docket reflects that none of the four defendants has been served; though the court notes that the deadline for service is March 19, 2008.

THE COURT hereby issues an ORDER TO SHOW CAUSE why plaintiffs' claims should not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The hearing on the ORDER TO SHOW CAUSE will be April 3, 2008 at 2:30 p.m. to afford plaintiffs additional time within which to serve the defendants. Failure to serve is a separate basis for dismissal of this action.

If plaintiffs fail to appear at the hearing on the ORDER TO SHOW CAUSE, the case will be dismissed.

The court also notes that, pro se plaintiffs are not adequate class representatives able to fairly represent and adequately protect the interests of the class. Russell v. United States, 308 F.2d 78, 79

1 (9th Cir. 1962) ("a litigant appearing in propria persona has no authority to represent anyone other
2 than himself"). Thus it is likely that class allegations will be stricken if plaintiffs proceed
3 unrepresented.

4 **IT IS SO ORDERED.**

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6 Dated: February 29, 2008



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PHYLЛИS J. HAMILTON
UNITED STATES DISTRICT JUDGE